

FILED

JUN 25 2013

Clerk, U.S. District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

CLAYTON JAMES MASCARENA,

Petitioner,

vs.

STATE OF MONTANA – 13TH
JUDICIAL DISTRICT COURT and
the ATTORNEY GENERAL of the
STATE OF MONTANA,

Respondents.

No. CV 12-159-BLG-SEH

ORDER

On June 4, 2013, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations¹ in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Ostby's Findings and Recommendation for clear error.

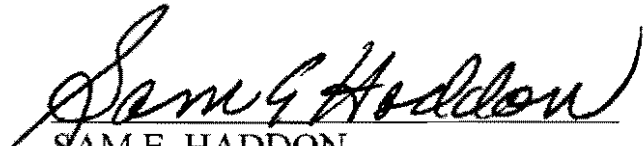
¹ Docket No. 86.

Upon review, I find no clear error in Magistrate Judge Ostby's Findings and Recommendations and adopt them in full.

ORDERED:

1. Petitioner's Petition for Writ of Habeas Corpus² is DENIED.
2. A Certificate of Appealability is DENIED.
2. The Clerk is directed to enter judgment accordingly.

DATED this 25th day of June, 2013.


SAM E. HADDON
United States District Judge

²Document No. 1.